

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/517,043	BRINKERHOFF, RICHARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Beth Van Doren	3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response received 03/18/2005.
2. ☒ The allowed claim(s) is/are 1-9, 11-13, 18-25, 27-30 and 32-35.
3. ☒ The drawings filed on 02 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
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| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|--|--|

  
**TARIQ R. HAFIZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**  
 Part of Paper No./Mail Date 20050608

*ML*

### **DETAILED ACTION**

1 The following is a response to the communications received 03/18/05. Claims 1, 4, 13, 18, 20, 22, 24, 27, 28, 30, 32, and 33 have been amended. Claim 26 has been canceled. Therefore, claims 1-9, 11-13, 18-25, 27-30, and 32-35 are pending and allowable. The following response includes an Examiner's statement of reasons for allowance.

#### ***Reasons for Allowance***

3. Claims 1-9, 11-13, 18-25, 27-30, and 32-35 are allowed.

4. The following is an examiner's statement of reasons for allowance:

As for claims 1-9 and 11-13, none of the prior art of record, taken individually or in any combination, teach, inter alia, estimating by what date the first customer will have initially evaluated an item based at least on the item type and initiating an electronic transmission, based at least in part on the estimated date, to the first customer on or after the estimated date of a message requesting the first customer to provide a review of the item, and then using the received review to generate personalized recommendations using a collaborative filtering process.

The prior art references most closely resembling the Applicant's claimed invention are Klingman (U.S. 5,950,172), Geerlings (U.S. 5,956,693), Chislenko et al. (U.S. 6,092,049), and Sheff ("Mr. Satisfaction").

First, Klingman teaches a secure electronic rating system that allows a customer to purchase a product and then facilitates secure online evaluation of the purchased product. The system assumes that after a period of use, a customer has an opinion of the quality of a purchased product and will want to help other buyers and reward or punish the merchant by providing a

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rating of the product. The customer is able to link to an electronic review form through an electronic medium, the system verifying through stored data that the customer has actually purchased the product (i.e. the review occurs at a time after purchase) and has not yet rated the product (i.e. only one rating is allowed by the system). After the system validates the customer's identity, the customer rates the purchased product by assigning a score corresponding to the customer's degree of satisfaction with the product. Scores provided include numerical ratings, "yes/no"s, graphs, etc. Purchased products of Klingman at least include books. This rating of the customer along with other ratings by other customers of the system are provided to a potential buyer who is considering buying the product and wants to view evaluations and rating information associated with the product. However, Klingman does not teach using the received review to generate personalized recommendations using a collaborative filtering process or initiating a transmission of *a message*, based at least in part on the estimated date, to this customer on or after the estimated date, the *message* requesting the first customer to provide a review of the item. In Klingman the request is made via the website and the initiation of the transmission of the review form is made at a time after purchase and expected use.

Second, Geerlings discusses communication scheduling based on shopping activity. The system has a first database that stores identification of the user as well as the user's shopping activity (i.e. actions of the user such as a purchase, cumulative purchase behavior, historic behavior, expected future behavior). The system also has a second database that stores indications of the desired communications including timing for these communications as well as the content of these communications. Initiation of a desired communication occurs based on a specific purchase by a user or the passage of a certain length of time from a specific shopping

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activity. For example, a merchant may specify the timing in terms of occurrence of one or more events, such as a purchase of a certain appliance (i.e. send a warranty offer or other offer) or *a passage of a certain amount of time after a purchase date of a specific item*. A merchant may also specify timing in terms of frequency (i.e. a frequent quantity purchaser may receive a thank you note). The communications are transmitted via mail, E-mail, electronic communication (e.g. a Website). The purpose of Geerlings is to ensure timely communications via automation.

However, Geerlings does not expressly disclose sending a review to a customer by estimating the date by which the customer will have initially evaluated the item or using a received review to generate personalized recommendations using a collaborative filtering process.

Third, Chislenko et al. discusses a collaborative filtering process. Each user of the system has a user profile that associates the user with items and ratings the user has given those items, along with domain information (i.e. category or subcategory information, like movies, restaurants, World Wide Web pages etc.). Ratings for the items which are received from the users include the form of subjective impressions of the items based on experience with the item, such as rating using an alphabetic scale ("A" to "F"), numerical scale (1 to 10), etc. The system then uses the user profiles, inferences from users' usage patterns, and confidence to provide recommendations for other items. However, Chislenko et al. does not teach obtaining the ratings of the items by estimating the date by which the first customer will have initially evaluated the item based at least on the item type and initiating a transmission, based at least in part on the estimated date, to this customer on or after the estimated date of a message requesting the first customer to provide a review of the item.

Fourth, Sheff teaches that a customer purchases an item. This item falls onto a list that reflects when the item was purchased. A date is then estimated by which the customer will have at least initially evaluated the item based on the item type. For example, if the item type is a car, 90 days are estimated as the time period for initial evaluation. Therefore, the methodology uses 90 days from the date reflecting the purchase of the car and on or after this estimated date, a review request is transmitted to the consumer. The review requests ask the customer to rate the item, rate the seller, etc. The returned reviews are later presented to a second customer who is looking at the item. However, Sheff does not discuss initiating an *electronic* transmission, based at least in part on the estimated date, to the first customer on or after the estimated date of a message and then using the received review to generate personalized recommendations using a collaborative filtering process.

**As for claims 18-25, 27-30, and 32-35**, none of the prior art of record, taken individually or in any combination, teach, inter alia, automatically generating an estimate, using the information stored in an electronic database, of when the customer has or will have evaluated the item, said estimate based at least in part on a characteristic of the item and/or a subsequent purchase of another item and providing, in response to at least the estimate, an electronic review request to the customer, the received review used to automatically generate personalized recommendations for the customer using a collaborative filtering process.

The prior art references most closely resembling the Applicant's claimed invention are Klingman (U.S. 5,950,172), Geerlings (U.S. 5,956,693), Chislenko et al. (U.S. 6,092,049), and Sheff ("Mr. Satisfaction").

First, Klingman teaches a secure electronic rating system that allows a customer to purchase a product and then, after an assumed period of use, complete evaluation of the product. The system includes the features discussed above. However, Klingman does not teach using the received review to automatically generate personalized recommendations for the customer using a collaborative filtering process.

Second, Geerlings discusses scheduling communications automatically based on a specific purchase by a user or the passage of a certain length of time from a specific shopping activity (such as the purchase of a specific item), as discussed above. However, Geerlings does not discuss that the follow-up communication is specifically a review request or using the received review to automatically generate personalized recommendations for the customer using a collaborative filtering process.

Third, Chislenko et al. discusses a collaborative filtering process, the features discussed above. However, Chislenko et al. does not teach obtaining the ratings of the items by using the information stored in an electronic database, of when the customer has or will have evaluated the item, said estimate based at least in part on a characteristic of the item and/or a subsequent purchase of another item and providing, in response to at least the estimate, an electronic review request to the customer.

Fourth, Sheff teaches transmitting review requests a certain length of time after purchase of an item, as discussed above. However, Sheff does not discuss using information stored in an *electronic database*, of when the customer has or will have evaluated the item, and providing, in response to at least the estimate, an *electronic review request* to the customer. Sheff further does

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not discuss using a received review request to automatically generate personalized recommendations for the customer using a collaborative filtering process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement for Reasons for Allowance".

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stack (U.S. 6,782,370) teaches a system that recommends goods, such as books, to a consumer based on the user's past purchasing history.

Matyas, Jr. (U.S. 6,102,287) teaches an after purchase product review system wherein the system validates the identity of the evaluator before the review can occur.

Ariyoshi (JP 409265478 A) discloses item evaluation information being stored in the system and used to determine similar interests and preferences.

Lashkari et al. (EP 0 751 471 A1) discloses using stored item profiles and rating information to provide personalized recommendations to users using automated collaborative filtering.

Net Perceptions, Inc. ("Net Perceptions: The GroupLens Solution") discloses learning about a consumers preferences and allowing a consumer to provide rating information to later present personalized recommendations.

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Dragan et al. ("Advice from the Web") disclose web recommendation systems, such as LikeMinds, Firefly, NetPerceptions, etc., that require item ratings and then perform collaborative filtering.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*lwd*  
bvd

June 8, 2005

  
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